

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Younglove Construction,

Case No. 3:08CV1447

Plaintiff

v.

ORDER

PSD Development,

Defendant

Pending is a motion *in limine* by defendant/counter-claimant PSD seeking to bar any evidence or argument at the forthcoming trial that refers to the concept of autogenous healing. [Doc. 322].

Autogenous healing is a phenomenon whereby a crack in concrete can heal itself when water causes chemical reactions in compounds exposed at the crack's surface. Younglove's petrographic expert, David Lankard, mentioned the concept of autogenous healing as one possible explanation for why he observed cracks in 2007 samples of concrete core samples, but petrographic expert Bernie Erlin did not observe such cracks in core samples taken in 2008.

PSD requests that any evidence or testimony regarding autogenous healing should be excluded because, when pressed, Lankard admitted that he saw no petrographic evidence that autogenous healing actually had occurred at the feed mill. Lankard also testified that the environmental conditions required for autogenous healing were not present at the feed mill.

PSD argues therefore that evidence or testimony relating to autogenous healing is irrelevant and should be excluded, particularly as it could mislead and confuse the jury.

Younglove agrees that autogenous healing is not a factor in this case, but states that “If PSD asks Dr. Lankard the same questions at trial, he should be permitted to give the same answers.” [Doc. 345 at 2].

In light of the irrelevance of the concept of autogenous healing to the case at hand, and the potential for such testimony to mislead and confuse an already over-burdened jury, PSD’s motion is granted.

Conclusion

For the foregoing reasons, it is

ORDERED THAT:

Defendant/cross-claimant PSD’s motion *in limine* regarding autogenous healing [Doc. 322] be, and the same hereby is granted.

So ordered.

/s/James G. Carr
Sr. United States District Judge